



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2106

DATE SCANNED 1/8/10

SCANNER NO. 2

SCAN OPERATOR ESS

10092650120



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2009 SEP 11 P 4: 05

September 11, 2009

MEMORANDUM

**SENSITIVE**

TO: THE COMMISSION

THROUGH: ROBERT HICKEY *RF* *PH*  
STAFF DIRECTOR

FROM: JOHN D. GIBSON *JH*  
CHIEF COMPLIANCE OFFICER

PATRICIA CARMONA *PC*  
ASSISTANT STAFF DIRECTOR  
REPORTS ANALYSIS DIVISION

BY: NATALIYA IOFFE/RHIANNON MAGRUDER *NUE* *RM*  
COMPLIANCE BRANCH

SUBJECT: REASON TO BELIEVE RECOMMENDATION – 2009 MID-YEAR  
REPORT FOR THE ADMINISTRATIVE FINE PROGRAM

Attached is a list of political committees and their treasurers who failed to file the 2009 Mid-Year Report in accordance with 2 U.S.C. § 434(a). The Mid-Year Report was due on July 31, 2009.

The committees listed in the attached RTB Circulation Report either filed the report more than five (5) days after the due date or failed to file the report. In accordance with the schedule of civil money penalties for reports at 11 CFR § 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

**Recommendation**

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. § 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

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Federal Election Commission  
Reason to Believe Circulation Report  
2009 MID-YEAR REPORT Not Election Sensitive 07/31/2009 UNAUTH

AF#	Committee ID	Committee Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2106	C00376384	MONROE COUNTY DEMOCRATIC COMMITTEE	KEGERREIS, LEIGH	\$183,197	2		Not Filed	\$183,197 (est)	\$9,075

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Reason To Believe Recommendation - 2009 )  
Mid-Year Report for the Administrative )  
Fine Program: )

MONROE COUNTY DEMOCRATIC ) AF# 2106  
COMMITTEE, and KEGERREIS, LEIGH )  
as treasurer; )

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby  
certify that on September 15, 2009 the Commission took the following actions on the  
Reason To Believe Recommendation - 2009 Mid-Year Report for the Administrative  
Fine Program as recommended in the Reports Analysis Division's Memorandum dated  
September 11, 2009, on the following committees:

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AF#2106 Decided by a vote of 6-0 to: (1) find reason to believe that MONROE COUNTY DEMOCRATIC COMMITTEE, and KEGERREIS, LEIGH as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

September 15, 2009  
Date

Mary W. Dove  
Mary W. Dove  
Secretary of the Commission

10092650124



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 16, 2009

Leigh Kegerreis as Treasurer  
Monroe County Democratic Committee  
13704 Laplaisance Rd.  
Monroe, MI 48161

C00376384  
AF#: 2106

Dear Ms. Kegerreis:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a Mid Year Report of Receipts and Disbursements in any calendar year other than one during which a regularly scheduled general election is held. This report, covering the period through June 30th, shall be filed no later than July 31st. 2 U.S.C. § 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was not filed within thirty (30) days of the due date. You should file the report if you have not already done so.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On September 15, 2009, the FEC found that there is reason to believe ("RTB") that Monroe County Democratic Committee and you as treasurer violated 2 U.S.C. § 434(a) by failing to file timely this report on or before July 31st. Based on the FEC's schedules of civil money penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$9,075. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-111.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 C.F.R. § 111.34. Your payment of \$9,075 is due within forty (40) days of the finding, or by October 25, 2009, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive  
Level of Activity: \$183,197  
Number of Days Late: Not Filed  
Number of Previous Civil Money Penalties Assessed: 2

At this juncture, the following courses of action are available to you:

**1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty**

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street,

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NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or October 25, 2009. 11 C.F.R. § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 C.F.R. § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 C.F.R. § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 C.F.R. § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 C.F.R. § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

## **2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge**

If you do not pay the calculated civil money penalty and do not or submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Monroe County Democratic Committee and you as treasurer violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. § 111.45.

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**3. If You Choose to Pay the Civil Money Penalty**

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Rhiannon Magruder in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Steven T. Walther  
Chairman

10092650127



## **ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at RTB is \$9,075 for the 2009 Mid-Year Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission  
P.O. Box 979058  
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox  
FEC #979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

The remittance and your payment are due by October 25, 2009. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

### **PAYMENTS BY PERSONAL CHECK**

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

### **PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**

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FOR: Monroe County Democratic Committee

FEC ID#: C00376384

AF#: 2106

PAYMENT DUE DATE: October 25, 2009

PAYMENT AMOUNT DUE: \$9,075

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2009 NOV 10 P 12: 26

November 10, 2009

**SENSITIVE**

**MEMORANDUM**

TO: THE COMMISSION

THROUGH: ALEC PALMER  
ACTING STAFF DIRECTOR *AP*

FROM: JOHN D. GIBSON *JG*  
CHIEF COMPLIANCE OFFICER

PATRICIA CARMONA *PC*  
ASSISTANT STAFF DIRECTOR  
REPORTS ANALYSIS DIVISION

BY: NATALIYA IOFFE/RHIANNON MAGRUDER *NM*  
COMPLIANCE BRANCH *DM*

SUBJECT: ADMINISTRATIVE FINE PROGRAM – FINAL DETERMINATION  
RECOMMENDATION FOR THE 2009 MID-YEAR REPORT

Attached are two lists of political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to file or failure to timely file the 2009 Mid-Year Report. The first list represents the committee that has paid the civil money penalty and the second list represents the committee that has not paid the civil money penalty. The committee that has not paid has been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

In accordance with 11 CFR § 111.34 and 11 CFR § 111.40, the Commission shall send a final determination notice to those respondents that have either paid or not paid the civil money penalty.

For your information, Monroe County Democratic Committee (AF 2106) paid the civil money penalty assessed at RTB. However, the committee filed the 2009 Mid-Year Report after the RTB finding and disclosed a level of activity which would result in no civil money penalty. The committee disclosed total receipts and disbursements of \$0 (previously estimated to be \$183,197), thus the fine would be lowered from \$9,075 to \$0. We will therefore issue a refund for the difference (\$9,075).

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**RAD Recommendation**

- (1) Make final determination that the political committees and their treasurers listed on the attached reports violated 2 U.S.C. § 434(a) and assess the final civil money penalties so indicated.
- (2) Send the appropriate letters.

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11/10/2009 7:56 AM

Federal Election Commission  
FD Circulation Report Fine Paid  
2009 MID-YEAR REPORT Not Election Sensitive 07/31/2009 UNAUTH

AF#	Committee Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	FD Penalty	Date Paid	Amount Paid
2106	MONROE COUNTY DEMOCRATIC COMMITTEE	C00376384	LEIGH KEGERREIS	11/5/2009	Not Filed	\$0	2	09/15/2009	\$9,075	\$0	10/30/2009	\$9,075

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Administrative Fine Program – Final ) AF 2106  
Determination Recommendation for the )  
2009 Mid Year Report: Monroe County )  
Democratic Committee and Leigh )  
Kegerreis, Treasurer )

CORRECTED CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby  
certify that on November 12, 2009, the Commission decided by a vote of 6-0 to  
take the following actions in AF 2106:

1. Make a final determination that Monroe County Democratic Committee  
and Leigh Kegerreis, Treasurer, violated 2 U.S.C. § 434(a) and assess  
the final civil money penalties in the amount of \$0.
2. Send the appropriate letters.

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther and  
Weintraub voted affirmatively for the decision.

Attest:

November 16, 2009  
Date

Mary W. Dove  
Mary W. Dove  
Secretary of the Commission

10092650132



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

November 17, 2009

Leigh Kegerreis as Treasurer  
Monroe County Democratic Committee  
13704 Laplaisance Rd.  
Monroe, MI 48161

C00376384  
AF#: 2106

Dear Ms. Kegerreis:

On September 15, 2009, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Monroe County Democratic Committee and its treasurer violated 2 U.S.C. § 434(a) for filing late or failing to file the 2009 Mid-Year Report. By letter dated September 16, 2009, the Commission sent notification of the RTB finding that included a civil money penalty calculated at the RTB stage of \$9,075 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. The amount of the civil money penalty has been changed to reflect the level of activity of the 2009 Mid-Year Report.

On October 30, 2009, the FEC received payment of the civil money penalty calculated at the RTB stage. The FEC made a final determination on November 12, 2009 that you as treasurer and Monroe County Democratic Committee violated 2 U.S.C. § 434(a), assessed a civil money penalty in the amount of \$0 in accordance with 11 C.F.R. § 111.43, and voted to close the file. Please note, the Commission will be issuing a refund of \$9,075.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within thirty (30) days from the date of the Commission's notification, this could occur at anytime following certification of the Commission's vote.

If you have any questions regarding this matter, please contact Rhiannon Magruder on our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

On behalf of the Commission,

A handwritten signature in black ink, appearing to read "Steven T. Walther".

Steven T. Walther  
Chairman

10092650133

PLEASE PRINT

W WITH YOUR PAYMENT

FOR: Monroe County Democratic Committee

FEC ID#: C00376384

AF#: 2106

10-27

PAYMENT DUE DATE: October 25, 2009

PAYMENT AMOUNT DUE: \$9,075

09/14/11

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058  
SEQ# 001 \$ 0000907500 BA# 1 10-29-09 20 3



us bancorp.  
The Bancorp. Group

<b>MONROE CTY DEMOCRATIC COMMITTEE</b>		05-02	1734
19 EAST FIRST STREET MONROE, MI 48161-4783		DATE <u>10/26/09</u>	74-215/724
PAY TO THE ORDER OF <u>FEC</u>			\$ <u>9,075.00</u>
<u>Nine Thousand &amp; seven Five &amp; 00/100</u>		DOLLARS	
		<u>Janine Brackel</u>	
FOR _____		_____	



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2106

DATE SCANNED 1/8/10

SCANNER NO. 2

SCAN OPERATOR EES

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